

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:27.06.2006

CORAM:

THE HON'BLE MR. JUSTICE P. SATHASIVAM

AND

THE HON'BLE MR. JUSTICE V. DHANAPALAN

WRIT APPEAL NO.757 of 2006

and WAMP.No.1541 of 2006

Sri-La-Sri Ajappa Nateswara
Pandara Sannathi Avl.,
Meganathaswamy Thirukoil
Nannilam Taluk
Thirumaichur
Thiruvarur District.

.. Appellant
[Petitioner].

vs.

1. The District collector
Inspector Panchayat
Thiruvarur.
2. The Commissioner
Panchayat Union
Nannilam
Thiruvarur District.
3. The President
Thirumaichur Panchayat Board
Thirumaichur Nannilam Taluk
Thiruvarur District.

.. Respondents

Writ Appeal filed under Clause 15 of the Letters of Patent against the order of the learned Judge Mr. Justice K. Raviraja Pandian, dated 21.07.2005 made in W.P.No.8 of 2003.

WP.No.8 of 2003 Petition presented to this Court to issue Writ of certirarified mandamus to call for the records relating to the order of the District Collector, Inspector of Panchayats, Thiruvarur District in Na.Ka.No.1216/2002/A2 dated 5.7.2002 published in Thiruvarur District Gazette No.11 dated 15.7.2002 and quash the same thereby forbearing the respondents from implementing the above said order.

For appellant : Mr. K. Rajasekaran

For respondents : Mr.J. Raja Kalifulla
Government Pleader for R.1

JUDGMENT

(Judgement of the Court was delivered by P. SATHASIVAM,J.)

The above writ appeal is directed against the order of the learned single Judge dated 21.07.2005 made in Writ Petition No.8 of 2003, in and by which the learned Judge, after finding that the Panchayat is also claiming right in respect of land in question, the disputed questions of fact cannot be resolved in a writ proceedings, dismissed the writ petition with a liberty to the petitioner to approach the competent civil Court to get the matter resolved.

2. Heard the learned counsel for the appellant.

3. Though the appellant claims that the land in question belongs to a Temple and it is temple poramboke, the order of the learned Judge shows that first of all the petitioner has not furnished the survey number and other details and secondly, no document was produced to substantiate their claim. On the other hand, the Panchayat has filed a counter contending that the property in question is vested with them and the Panchayat alone has every right to collect the entry fee or parking fee for the vehicles entering the said area.

In the light of the stand of the Panchayat as well as the temple, as rightly pointed out by the learned Judge, the said issue cannot be decided in the writ proceedings. It requires evidence in the form of oral and documentary. The learned Judge has rightly dismissed the writ petition with a liberty to the petitioner to approach the competent civil Court to vindicate their grievance. We concur with the said conclusion and find no ground for interference. Accordingly, the writ appeal fails and the same is dismissed. No costs. Consequently, connected WAMP., is also dismissed.

Sd/-
Asst. Registrar.

/true copy/

सत्यमेव जयते
Sub Asst. Registrar.

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To

1. The District collector
Inspector Panchayat
Thiruvarur.

2. The Commissioner
Panchayat Union
Nannilam
Thiruvarur District.

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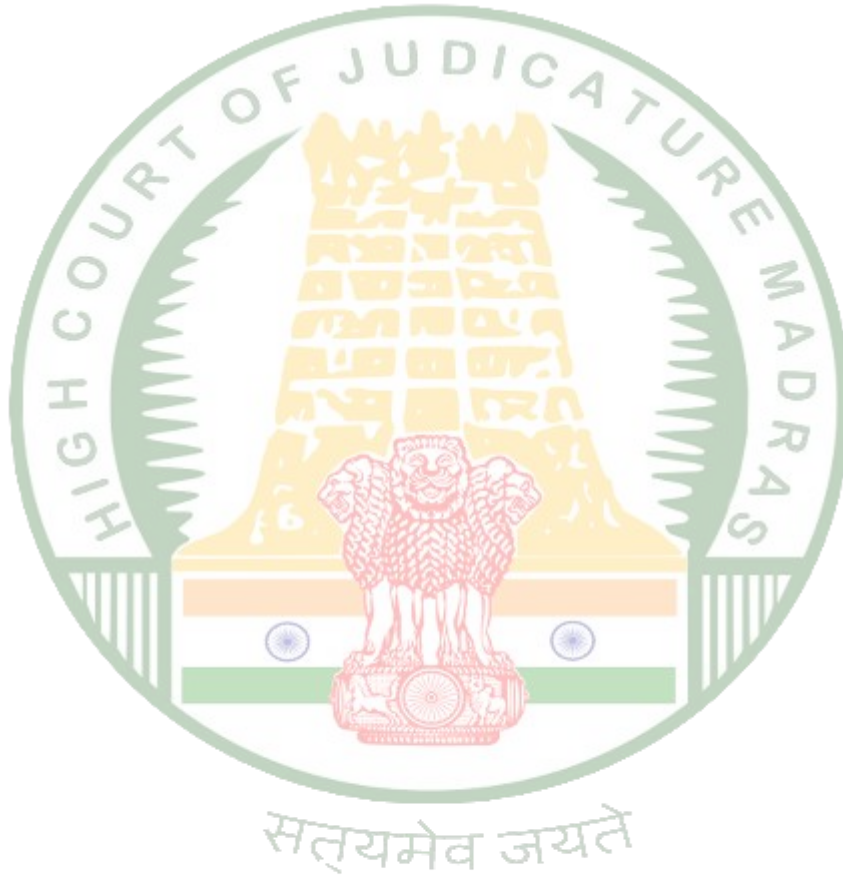
3. The President
Thirumaichur Panchayat Board
Thirumaichur Nannilam Taluk
Thiruvarur District.

+ 1 CC To Mr. K.Rajasekaran, Advocate SR NO.27024

+ 1 CC to the Government Pleader SR NO 27080

Writ Appeal No.757 of 2006
Dated:27.06.2006

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